

October 19, 2005

Dawn Toland, Deputy Clerk  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
450 Golden Gate Avenue, Ctrm 9  
San Francisco, CA 94102

Re: United States Gypsum Company v. Lafarge North America, Inc.  
Case No. 3:05-MC-80216-WHA  
Motion Hearing

Dear Ms. Toland:

Please note that pursuant to Judge Alsup's order of October 13, 2005, Pabco was to have submitted documentation of its request for attorneys' fees and costs by October 20, 2005. We will not be doing so however. Pursuant to written agreement with attorneys for Lafarge, I am authorized to communicate the following to the Court:

"Lafarge and Pabco have reached agreement regarding the matters referenced in the Lafarge motion and the Court's order of October 13, 2005. As a result of that agreement Pabco will not be seeking attorneys' fees and/or costs as invited by the Court in its order dated October 13, 2005. Pabco and Lafarge jointly request that the Court consider the matter closed."

Please notify Judge Alsup of this stipulation.

1792 Tribute Road, Suite 450  
Sacramento, CA 95815  
(916) 920-5286 • FAX (916) 920-8608  
e-mail [wkblaw.com](mailto:wkblaw.com)

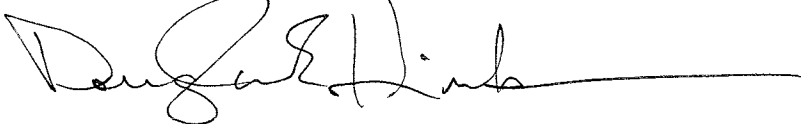
967 Reserve Drive  
Roseville, CA 95678  
(916) 920-5286 • FAX (916) 920-8608  
e-mail [wkblaw.com](mailto:wkblaw.com)

Dawn Toland  
October 19, 2005  
Page 2

Please note that we are providing Lafarge's counsel, Sean P. Burke, with a copy of this notification. Should you desire further confirmation from Lafarge, please contact Mr. Burke at (312) 853-4168.

Respectfully,

WAGNER KIRKMAN BLAINE & YOUNG



Douglas E. Kirkman

cc: Sean Burke (via facsimile 312 853-7036)

The Clerk shall close the file.

October 19, 2005

